

PATENTS  
112025-0205C1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of:  
Jean Calvignac et al.

**Serial No.: 09/706,969**

Filed: November 6, 2000

For: IMPROVEMENTS IN NETWORK  
TRAFFIC SHAPING

Examiner: Not Yet Assigned

Art Unit: 2733

**Cesari and McKenna, LLP**  
**88 Black Falcon Avenue**  
**Boston, MA 02210**  
**March 20, 2001**

## EXPRESS-MAIL DEPOSIT

**“Express Mail” Mailing-Label Number:** EL 605 361 838 US

The following papers are being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. §1.10:

X Oath or Declaration  
X Check No. 22060 for \$130

X Fee Transmittal Letter  
X Response to Notice to File Missing Parts

**X Notice to File Missing Parts of Non-provisional Application**



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Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

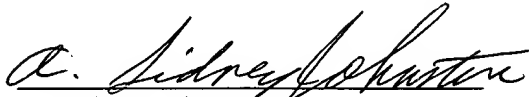
**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Enclosed in response to the Notice to File Missing Parts of Application-Filing Date Granted mailed February 27, 2001, is a Declaration for Patent Application executed by the inventors, along with a check for \$130 to cover the filing fee and surcharge for this Response. The above-referenced application is a continuation of the parent application, Serial No. 08/991,911, filed on December 16, 1997, now issued as U.S. Patent No. 6,144,637, and the enclosed Declaration is a copy of the original Declaration filed in the parent case.

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "A. Sidney Johnston", written over a horizontal line.

A. Sidney Johnston  
Reg. No. 29,548  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210-2414  
(617) 951-2500



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/706,969	11/06/2000	Jean Calvignac	112025-0205C1

24267  
CESARI AND MCKENNA, LLP  
88 BLACK FALCON AVENUE  
BOSTON, MA 02210

CONFIRMATION NO. 8857

## FORMALITIES LETTER



\*OC000000005806278\*

Date Mailed: 02/27/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

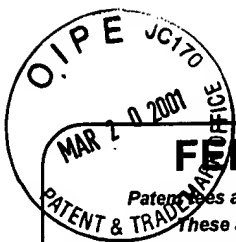
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/22/2001 00000012 09706969

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130.00 00



# FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.

These are the fees effective October 1, 1997.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT

(\$) 130

## Complete If Known

Application Number	09/706,969
Filing Date	November 6, 2000
First Named Inventor	Jean Calvignac et al.
Examiner Name	Not Yet Assigned
Group / Art Unit	2733
Attorney Docket No.	112025-0205C1

### METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

03-1237

Deposit  
Account  
Name

Cesari and McKenna, LLP

- ☒ Charge Any Additional Fee Required Under 37 C.F.R. §§1.16 and 1.17 ☐ Charge the Issue Fee Set in 37 C.F.R. §§1.18 at the Mailing of the Notice of Allowance

2. ☒ Payment Enclosed:

☒ Check ☐ Money ☐ Other Order

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	35	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) 0

#### 2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
20**	3**		0	0	0

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid		
105	130	205	65	Fee Surcharge - late filing fee or oath	130
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English Specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	128	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility Issue fee (or reissue)	
143	440	243	220	Design Issue fee	
144	600	244	300	Plant Issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
Other (specify)					
Other fee (specify)					
SUBTOTAL (3) (\$) 130					

\*Reduced by Basic Filing Fee Paid

### SUBMITTED BY

Typed or  
Printed Name

A. Sidney Johnston

Signature

*A. Sidney Johnston*

Date

March 20, 2001

### Complete (if applicable)

Reg. Number

29,548

Deposit Account User ID